

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GETTY IMAGES (US), INC.

Plaintiff,

-against-

ADVERNET, INC.  
f/k/a VR MARKETING, INC.,

Defendants.  
-----X

**NOTICE OF  
MOTION**

09-cv-1895(DAB)

**PLEASE TAKE NOTICE** that upon the annexed affirmation of Oscar Michelen, affirmed on April 23, 2009, and upon the accompanying Memorandum of Law in support of this motion and the pleadings herein, defendant will move this Court, before the Hon. Deborah A. Batts, United States District Judge, on May 19, 2009, at 9:30AM, for an order pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure granting:

dismissal of plaintiff's complaint for lack of subject matter jurisdiction, pursuant to Rule 12(b)(1) and for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) and such other and further relief as the court deems just and proper.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: April 23, 2009

Signature *Oscar Michelen*

Respectfully submitted

OSCAR MICHELEN (OM 5199)

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